

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

FELICIA ROBINSON

PLAINTIFFS

v.

CIVIL ACTION NO: 1:19-CV-00121-SA-DAS

**WEBSTER COUNTY, MISSISSIPPI;
WEBSTER COUNTY SHERIFF'S DEPARTMENT;
TIM MITCHELL; SANTANA TOWNSEND;
DAREN PATTERSON; and
JOHN DOES 1-30**

DEFENDANTS

**MOTION FOR JUDGMENT ON THE PLEADINGS DISMISSING
DUPLICATE OFFICIAL CAPACITY CLAIMS**

COME NOW, DEFENDANTS, Tim Mitchell (Officially), Santana Townsend (Officially), Webster County Sheriffs Department (Not Amenable to Suit) and Webster County (the Proper Party) by counsel, and respectfully seek dismissal of all duplicate and improper official capacity defendants other than Webster County pursuant to *Fed. R. Civ. Proc.* 12(c), to wit:

1. Tim Mitchell and Santana Townsend are named in their official capacities as duly sworn law enforcement officers with the Webster County Sheriff's Department [**Doc. 1**, Complaint]. Both are merely duplicate official capacity defendants who should be dismissed according to well established authority.¹

2. Plaintiff has added the Webster County Sheriff's Department as a Defendant, but the WCSD is not amenable to suit here.

BRIEFING: As required by our local rules, an appropriate memorandum of supporting authority is being filed herewith.

¹*Estate of Manus v. Webster County*, 2014 U.S. Dist. LEXIS 43536, Pages 7-8 (N.D. Miss. Mar. 31, 2014).

NOW, THEREFORE, Defendants Tim Mitchell and Santana Townsend, in their official capacities, respectfully pray they be dismissed in their official capacities.

RESPECTFULLY SUBMITTED, this the 15th day of August, 2019.

JACKS | GRIFFITH | LUCIANO, P.A.

By: /s/ **Daniel J. Griffith**
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CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendants, Tim Mitchell (Officially) and Santana Townsend (Officially), do hereby certify that I have this day caused a true and correct copy of the above and foregoing *Motion for Judgment on the Pleadings to Dismiss Duplicate Official Claims* to be delivered by the ECF Filing System which gave notice to all counsel of record who have appeared herein.

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DATED this 15th day of August, 2019.

/s/ Daniel J. Griffith
Daniel J. Griffith